



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of

LEREBOUR et al.,

Serial No. 09/782,520

Group Art Unit : 1617

Filed : February 14, 2001

Examiner : L.Q. WELLS

**For : "USE OF PARTICULAR FATTY SUBSTANCES WHICH MAKE IT POSSIBLE TO MODIFY THE PHYSICOCHEMICAL PROPERTIES OF THE SKIN AND/OR THE MUCOUS MEMBRANES AS AGENTS PREVENTING OR REDUCING THE ADHESION OF MICROORGANISMS TO THE LATTER"**

**DECLARATION PURSUANT TO 37 CFR 1.132**

I, Géraldine LEREBOUR, declare :

That I am a French citizen, residing at 6 Residence des haies, 78350 Les Loges en Josas, France.

That I have been awarded a degree in "Microbiology related to foodstuffs, pharmaceutical and cosmetic products"

That I graduated from The Université de Pharmacie Louis Pasteur d'Ilkirsch (67)

That I have been employed by L'OREAL since 1999 and am currently Research Engineer in microbiology

That I have carried out research on cosmetic compositions during the time of my employment with L'OREAL.

That I am familiar with the invention set forth in United States Patent Application Serial No. 09/782,520 filed on February 14, 2001 entitled: **"USE OF PARTICULAR FATTY SUBSTANCES WHICH MAKE IT POSSIBLE TO MODIFY THE PHYSICOCHEMICAL PROPERTIES OF THE SKIN AND/OR THE MUCOUS MEMBRANES AS AGENTS PREVENTING OR REDUCING THE ADHESION OF MICROORGANISMS TO THE LATTER"**

That I have read and am familiar with the references cited by the Examiner and particularly Mougin et al., (US 5,851,517) and Santor et al., (US 6,524,594).

That I have tested the use, in a cosmetic composition, of a fatty substance free of carbohydrate units, having a melting point of less than 35 °C and having an interfacial tension of between 6 and 27nM/m as active ingredient.

That the example of the invention disclosed in the specification page 14 has actually been made on the bench without any perfume or antioxidant.

That the preparations which are prepared and tested, had the following compositions:

Oxyethylenated polymethylcetyl dimethyl methylsiloxane (ABIL EM 90® from GOLDSCHMIDT)	3%
Palmitate of 2-ethylhexyl glyceryl ether (MEXANYL GP® from CHIMEX)	10%
Tartrate of branched C <sub>12</sub> -C <sub>13</sub> dialcohols (COSMACOL ETI® from ENICHEM)	10%
Oxyethylenated glyceryl cocoate (7 EO) (CETIOL HE® from GOGNIS)	3%
Condensate of ethylene oxide, propylene oxide and ethylene oxide (MW: 8 350) (75 EO/30 PO/75 EO) (LUTROL F 68® from BASF)	3%
Water QS	100

That I observed that after treatment with the above composition, a decrease of 3.96 in the decimal logarithm of the mean number of viable *Staphylococcus aureus* adhering to reconstructed epidermis compared with the decimal logarithm of the mean number of viable *Staphylococcus aureus* adhering to the reconstructed epidermis after treatment with water under the same conditions.

That I have prepared also the following composition comprising oils which have an interfacial tension of 40 mM/m for hydrogenated polyisobutene and 28,2 mM/m for cyclopentasiloxane:

Oxyethylenated polymethylcetyl dimethyl methylsiloxane (ABIL EM 90® from GOLDSCHMIDT)	3%
Hydrogenated polyisobutene (Parleam oil)	10%
Cyclopentasiloxane	10%
Oxyethylenated glyceryl cocoate (7 EO) (CETIOL HE® from GOGNIS)	3%
Condensate of ethylene oxide, propylene oxide and ethylene oxide (MW: 8 350) (75 EO/30 PO/75 EO) (LUTROL F 68® from BASF)	3%
Water QS	100

That I observed that after treatment with the above composition, a decrease of only 0,7 in the decimal logarithm of the mean number of viable *Staphylococcus aureus* adhering to reconstructed epidermis compared with the decimal logarithm of the mean number of viable *Staphylococcus aureus* adhering to the reconstructed epidermis after treatment with water under the same conditions.

I further declare that all statements made herein of my own knowledge are true and that all statements are made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Géraldine LEREBOUR

Géraldine Lerebour

Date : Monday, the 29<sup>th</sup> November 2004.